

13-04-2021
Subha
Item no.143
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1660 of 2021

Shahnaz Perween @ Bichhia
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with POCSO Case No. 35 of 2019 arising out of Asansol North P.S. Case No.294 of 2019 dated October 18, 2019 under Sections 366A/370A/372/373/376/34 of the Indian Penal Code and 3/4/5/6 of the Immoral Trafficking (Prevention) Act and Section 4/6 of the POCSO Act.

Mr. Apurba Kumar Datta

...for the petitioner.

Mrs. Zareen N. Khan
Ms. Sreeparna Das

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with in connection with POCSO Case No. 35 of 2019 arising out of Asansol North P.S. Case No.294 of 2019 dated October 18, 2019 under Sections 366A/370A/372/373/376/34 of the Indian Penal Code and 3/4/5/6 of the Immoral Trafficking (Prevention) Act and Section 4/6 of the POCSO Act.

Mr. Datta, learned counsel appearing for the petitioner has renewed the prayer for bail. The learned advocate for the petitioner further submits that long detention of the present petitioner is the cause of the present application for bail. Earlier on 16.03.2020 in CRM 2635 of 2020, prayer for bail was rejected by a Co-ordinate

Bench of this court. The reason being that from the statement of the victim, it appeared that she was seduced on the false promise of love and marriage by co-accused and thereafter sold by the petitioner for commercial sexual exploitation along with Md. Arif (Fulwala), the petitioner.

Considering the gravity of the offence which partakes the character of organized crime and prima facie involvement of the present petitioner, we are not inclined to release the present petitioner on bail and accordingly, prayer for bail of the present petitioner is rejected.

We have been informed by the learned advocate appearing for the State that the trial has commenced and two of the witnesses are going to be examined between 10th and 12th of May, 2021.

In view of the aforesaid, we reject the application for bail and request the learned trial court to prepare a time frame for the purpose of committing the trial and conclude the same as expeditiously as possible.

The application for anticipatory bail, being CRM 1660 of 2021 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Soumen Sen, J]

